

He is being impeached and convicted for violating his oath of office that he took. He is not being prevented from taking his oath in the first place.

The First Amendment is on our side. He tried to overturn the will of the people, the voice of the people. He lost that election by more than 7 million votes. Some people don't want to admit it. Counsel for the President could not bring themselves to admit that the election is over in answer to the question from the distinguished gentleman from Vermont. He refused to answer that. He said it was irrelevant, despite all of the evidence you have heard about the big lie and how that set the stage for his incitement of the insurrectionary violence against us.

The First Amendment is on our side. We are defending the Bill of Rights. We are defending the constitutional structure. We are defending the separation of powers. We are defending the U.S. Senate and the U.S. House against a President who acted no better than a marauder and a member of that mob by inciting those people to come here. And in many ways, he was worse. He named the date; he named the time; and he brought them here; and now he must pay the price.

Thank you, Mr. President.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. SCHUMER. Mr. President, the Senate is now ready to vote on the Article of Impeachment. And after that is done, we will adjourn the Court of Impeachment.

The PRESIDENT pro tempore. The clerk will read the Article of Impeachment.

The senior assistant legislative clerk read as follows:

Article I: Incitement of Insurrection.

The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment" and that the President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors". Further, section 3 of the 14th Amendment to the Constitution prohibits any person who has "engaged in insurrection or rebellion against" the United States from "hold[ing] any office . . . under the United States". In his conduct while President of the United States—and in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald John Trump engaged in high Crimes and Misdemeanors by inciting violence against the Government of the United States, in that:

On January 6, 2021, pursuant to the 12th Amendment to the Constitution of the United States, the Vice President of the United States, the House of Representatives, and the Senate met at the United States Capitol for a Joint Session of Congress to count the votes of the Electoral College. In the months preceding the Joint Session, President Trump repeatedly issued false statements asserting that the Presidential election results were the product of widespread fraud and should not be accepted by the American people or certified by State or

Federal officials. Shortly before the Joint Session commenced, President Trump, addressed a crowd at the Ellipse in Washington, DC. There, he reiterated false claims that "we won this election, and we won it by a landslide". He also willfully made statements that, in context, encouraged—and foreseeably resulted in—lawless action at the Capitol, such as: "if you don't fight like hell you're not going to have a country anymore". Thus incited by President Trump, members of the crowd he had addressed, in an attempt to, among other objectives, interfere with the Joint Session's solemn constitutional duty to certify the results of the 2020 Presidential election, unlawfully breached and vandalized the Capitol, injured and killed law enforcement personnel, menaced Members of Congress, the Vice President, and Congressional personnel, and engaged in other violent, deadly, destructive, and seditious acts.

President Trump's conduct on January 6, 2021, followed his prior efforts to subvert and obstruct the certification of the results of the 2020 Presidential election. Those prior efforts included a phone call on January 2, 2021, during which President Trump urged the secretary of state of Georgia, Brad Raffensperger, to "find" enough votes to overturn the Georgia Presidential election results and threatened Secretary Raffensperger if he failed to do so.

In all this, President Trump gravely endangered the security of the United States and its institutions of Government. He threatened the integrity of the democratic system, interfered with the peaceful transition of power, and imperiled a coequal branch of Government. He thereby betrayed his trust as President, to the manifest injury of the people of the United States.

Wherefore, Donald John Trump, by such conduct, has demonstrated that he will remain a threat to national security, democracy, and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the rule of law. Donald John Trump thus warrants impeachment and trial, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

#### VOTE ON ARTICLE I

The PRESIDENT pro tempore. Each Senator, when his or her name is called, will stand in his or her place and vote guilty or not guilty, as required by rule XXIII of the Senate Rules on Impeachment.

Article I, section 3, clause 6 of the Constitution regarding the vote required for conviction of impeachment provides that "no person shall be convicted without the concurrence of two-thirds of the Members present."

The question is on the Article of Impeachment. Senators, how say you? Is the respondent, Donald John Trump, guilty or not guilty?

A rollcall vote is required.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—guilty 57, not guilty 43, as follows:

[Rollcall Vote No. 59]

YEAS—57

Baldwin	Burr	Cassidy
Bennet	Cantwell	Collins
Blumenthal	Cardin	Coons
Booker	Carper	Cortez Masto
Brown	Casey	Duckworth

Durbin	Markey	Schatz
Feinstein	Menendez	Schumer
Gillibrand	Merkley	Shaheen
Hassan	Murkowski	Sinema
Heinrich	Murphy	Smith
Hickenlooper	Murray	Stabenow
Hirono	Ossoff	Tester
Kaine	Padilla	Toomey
Kelly	Peters	Van Hollen
King	Reed	Warner
Klobuchar	Romney	Warnock
Leahy	Rosen	Warren
Lujan	Sanders	Whitehouse
Manchin	Sasse	Wyden

NAYS—43

Barrasso	Grassley	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Rounds
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Cramer	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Lummis	Tuberville
Daines	Marshall	Wicker
Ernst	McConnell	Youn
Fischer	Moran	
Graham	Paul	

The PRESIDENT pro tempore. On this vote, the yeas are 57, the nays are 43.

Two-thirds of the Senators present not having voted guilty, the Senate adjudges that the respondent Donald John Trump, former President of the United States, is not guilty as charged in the Article of Impeachment.

The Presiding Officer directs the judgment to be entered in accordance with the judgment of the Senate, as follows:

The Senate, having tried Donald John Trump, former President of the United States, upon one Article of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charge contained therein, it is, therefore, ordered and adjudged that the said Donald John Trump be, and is hereby, acquitted of the charge in said Article.

The majority leader is recognized.

COMMUNICATION TO THE SECRETARY OF STATE AND TO THE HOUSE OF REPRESENTATIVES

Mr. SCHUMER. Mr. President, I send an order to the desk.

The PRESIDENT pro tempore. The clerk will report the order.

The senior assistant legislative clerk read as follows:

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, and also to the House of Representatives, the judgment of the Senate in the case of Donald John Trump, and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The majority leader.

#### ADJOURNMENT SINE DIE OF THE COURT OF IMPEACHMENT

Mr. SCHUMER. Mr. President, I move that the Senate, sitting as a Court of Impeachment on the Article against Donald John Trump, adjourn sine die.

The motion was agreed to, and at 3:51 p.m., the Senate, sitting as a Court of Impeachment, adjourned sine die.

## LEGISLATIVE SESSION

### ESCORTING OF THE HOUSE MANAGERS

The PRESIDENT pro tempore. The Acting Sergeant at Arms will escort the House managers out of the Senate Chamber.

Whereupon, the Acting Sergeant at Arms escorted the House managers from the Chamber.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader.

### IMPEACHMENT

Mr. SCHUMER. Mr. President, the case of Donald Trump's second impeachment trial was open and shut.

President Trump told a lie—a big lie—that the election was stolen and that he was the rightful winner. He laid the groundwork for this big lie in the months before the election. He told the big lie on election night, and he repeated the big lie more than 100 times in the weeks afterward.

He summoned his supporters to Washington, assembled them on the Ellipse, whipped them into a frenzy, and directed them at the Capitol. Then he watched as the violence unfolded and the Capitol was breached and his own Vice President fled for his life, and President Trump did nothing.

None of these facts were up for debate. We saw it. We heard it. We lived it. This was the first Presidential impeachment trial in history in which all Senators were not only judges and jurors but witnesses to the constitutional crime that was committed. The former President inspired, directed, and propelled a mob to violently prevent the peaceful transfer of power, subvert the will of the people, and illegally keep that President in power. There is nothing—nothing—more un-American than that. There is nothing—nothing—more antithetical to our democracy. There is nothing—nothing—more insulting to the generations of American patriots who gave their lives to defend our form of government.

This was the most egregious violation of the Presidential oath of office and a textbook example, a classic example of an impeachable offense, wor-

thy of the Constitution's most severe remedy.

In response to the incontrovertible fact of Donald Trump's guilt, the Senate was subject to a feeble and sometimes incomprehensible defense of the former President. Unable to dispute the case on the merits, the former President's counsel treated us to partisan vitriol, false equivalence, and outright falsehoods.

We heard the roundly debunked jurisdictional argument that the Senate cannot try a former official, a position that would mean that any President could simply resign to avoid accountability for an impeachable offense, a position which, in effect, would render the Senate powerless to ever enforce the disqualification clause in the Constitution. Essentially, the President's counsel told the Senate that the Constitution was unconstitutional. Thankfully, the Senate took a firm stance, set a firm precedent with a bipartisan vote in favor of our power to try former officials for acts they committed while in office.

We heard the preposterous claim that the former President's incitement to violence was protected by the First Amendment. The First Amendment right to free speech protects Americans from jail, not Presidents from impeachment. If the President had said during World War II, "Germany should attack the United States on Long Island; we have left it undefended," I suspect Congress would have considered that an impeachable offense.

Finally, defense counsel said that President Trump was not directly responsible for the violence at the Capitol:

His words were merely a metaphor; his directions were merely suggestions; and the violent mob was just a spontaneous demonstration.

Yet wind the clock back, and ask yourself, if at any point Donald Trump did not do the things he did, would the attack on the Capitol have happened? There is only one answer to this question: Of course not. If President Trump hadn't told his supporters to march to the Capitol, if he hadn't implored them to come to Washington on January 6 in the first place, if he hadn't repeatedly lied to them that the election was stolen and their country was being taken from them, the attack would not have happened, could not have happened. January 6 would not have happened but for the actions of Donald Trump.

Here is what the Republican leader of the Senate said: The mob that perpetrated the "failed insurrection" on January 6 "was provoked by President Trump." Do you want another word for "provoke"? How about "incite"? Yet still—still—the vast majority of the Senate Republican caucus, including the Republican leader, voted to acquit former President Trump, signing their names in the columns of history alongside his name forever.

January 6 will live as a day of infamy in the history of the United States of America. The failure to convict Donald

Trump will live as a vote of infamy in the history of the U.S. Senate.

Five years ago, Republican Senators lamented what might become of their party if Donald Trump became their Presidential nominee and standard-bearer. Just look at what has happened. Look at what Republicans have been forced to defend. Look at what Republicans have chosen to forgive. The former President tried to overturn the results of a legitimate election and provoked an assault on our own government, and well over half the Senate Republican conference decided to condone it—the most despicable act that any President has ever committed, and the majority of Republicans cannot summon the courage or the morality to condemn it.

This trial wasn't about choosing country over party, even not that; this was about choosing country over Donald Trump, and 43 Republican Members chose Trump. They chose Trump. It should be a weight on their conscience today, and it shall be a weight on their conscience in the future.

As sad as that fact is, as condemnable as the decision was, it is still true that the final vote on Donald Trump's conviction was the largest and most bipartisan vote of any Presidential impeachment trial in American history.

I salute those Republican patriots who did the right thing. It wasn't easy. We know that. Let their votes be a message to the American people because, my fellow Americans, if this Nation is going to long endure, we as a people cannot sanction the former President's conduct, because if lying about the results of an election is acceptable, if instigating a mob against the government is considered permissible, if encouraging political violence becomes the norm, it will be open season—open season—on our democracy, and everything will be up for grabs by whoever has the biggest clubs, the sharpest spears, the most powerful guns. By not recognizing the heinous crime that Donald Trump committed against the Constitution, Republican Senators have not only risked but potentially invited the same danger that was just visited upon us.

So let me say this: Despite the results of the vote on Donald Trump's conviction in the Court of Impeachment, he deserves to be convicted, and I believe he will be convicted in the court of public opinion. He deserves to be permanently discredited, and I believe he has been discredited in the eyes of the American people and in the judgment of history.

Even though Republican Senators prevented the Senate from disqualifying Donald Trump for any office of honor, trust, or profit under these United States, there is no question Donald Trump has disqualified himself. I hope, I pray, and I believe that the American people will make sure of that. If Donald Trump ever stands for